

Remarks

This Amendment is being filed concurrently with a Request for Continued Examination ("RCE"). Reconsideration and allowance of this application, as amended, are respectfully requested.

Claims 14-31 have been canceled without prejudice or disclaimer. New claims 32-42 have been added to even more particularly define the various embodiments of the present invention. Claims 32-42 are now pending in the application. Claims 32, 37, and 42 are independent. The rejections are respectfully submitted to be obviated in view of the amendments and remarks presented herein. No new matter has been introduced through the foregoing amendments.

Entry of each of the amendments is respectfully requested.

35 U.S.C. § 102(b) - Konopka

35 U.S.C. § 103(a) - Konopka

Claims 14-28, 30, and 31 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 4,755,173 to Konopka et al. (hereinafter "Konopka"). Claim 29 stands rejected under 35 U.S.C. § 103(a) as being unpatentable over Konopka.

The rejection of claims 14-28, 30, and 31 under § 102(b) based on Konopka is respectfully deemed to be obviated, as is the rejection of claim 29 under § 103(a) based on Konopka. For at least the following reasons, the disclosure of Konopka neither

anticipates nor would have rendered obviousness Applicants' presently claimed invention.

Claims 14-31 have been replaced by new claims 32-42 in order to advance prosecution by even more particularly defining the embodiments of the invention. Claim 32 defines a septum housing for an infusion device. The septum housing includes "a tubular element accommodating a septum, the septum being pierceable by a needle and being radially compressed in the septum housing to provide a fluid-tight seal between the septum and the septum housing." Support for the claim 32 recitation is found in the disclosure at, for example, page 1, paragraph [0011], of the publication of the instant application (i.e., U.S. Patent Application Pub. No. 2007/0276355).

Konopka's injection set is structurally different from Applicants' claimed septum housing. The instant septum housing exists as an independent unit before completing the manufacturing of the infusion device. The septum is pre-mounted in the septum housing. The aforementioned configuration is different from Konopka's elements that the Office Action refers to as septum housings 56, 442. The aforementioned parts simply function as lids which during the manufacturing process are positioned on top of the infusion device after the septum has been positioned on a lower part, i.e., 48, 440, respectively.

Since Konopka does not meet each structural feature of the presently claimed invention, Konopka does not anticipate the invention defined by Applicants' claim 32.

Claims 33-36 are allowable because they depend, either directly or indirectly, from claim 32, and for the subject matter recited therein. Support for claim 33 is found in the disclosure at page 2, paragraph [0014]; for claim 34, at page 2, paragraph [0025]; for claim 35, at page 2, paragraph [0015]; and for claim 36, at page 2, paragraph [0018].

Independent claim 37 is also allowable. Claim 37 defines an infusion device that includes a septum housing per claim 32 and a base element. The base element includes "a mounting surface, a distal end of the septum housing that faces away from a surface on which the infusion device is mounted constituting a part of an outer distal surface of the infusion device." Support for claim 37 is found in the disclosure of, for example, Figures 2-8.

Konopka fails to meet, *inter alia*, the claim 37 requirement that one end of the septum housing constitutes a part of an outer distal surface of the infusion device. Konopka's element 48 (Figure 4) and element 440 (Figure 11), for example, are not septum housings.

Claims 38-41 are allowable because they depend, either directly or indirectly, from claim 37, and for the subject matter recited therein. Support for claim 38 is found in the embodiments

shown in Figures 2-4, 6, and 7; for claims 39-41, at page 2, paragraph [0016].

And, independent claim 42 is allowable. Claim 42 defines a method of manufacturing an infusion device per claim 37. Support for claim 42 is found in the disclosure at, for example, at page 2, paragraph [0025]. An advantage of the instant invention is that it simplifies the manufacturing of an infusion device (see, e.g., the disclosure at published application paragraphs [0006] and [0010]).

For example, according to Konopka, the septum is placed between two parts (56, 48, Figures 4-7; 256, 248 Figure 8; or 442, 440 Figure 11), and then the joined parts are positioned in a base portion (46, 246, 346, 412). This traditional pre-joining of two parts around the septum makes the manufacturing of Konopka's product more complex.

In view of the foregoing, this application is now in condition for allowance. If the examiner believes that an

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interview might expedite prosecution, the examiner is invited to contact the undersigned.

Respectfully submitted,

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